

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

H. THOMAS MORAN, II	:	Case No. 3:05-cv-72
	:	
Plaintiff,	:	District Judge Thomas M. Rose
	:	Magistrate Judge Michael J. Newman
- vs -	:	
DAVID W. SVETE, <i>et al</i> ,		
	:	
Defendant.	:	

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael J. Newman (Doc. #178), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, and for good cause shown upon the Court's *de novo* review, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that Defendant's Motion to Dismiss (Doc 145) is DENIED without prejudice. Defendant is also DENIED leave to proceed *in forma pauperis* on appeal.

March 9, 2012

**s/THOMAS M. ROSE*

Thomas M. Rose
United States District Judge